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REMARKS

Claims 1, 11, 26, and 29 have been amended, and Claims 32-42 have been added. Support for claims 32-42 may be found throughout the specification and figures. No new matter has been added. Upon entry of this amendment, claims 1-42 are pending.

Applicants thank Examiner Rowan for conducting a personal interview on January 25, 2005 with Applicants' representative. The substance of the interview is reflected in the remarks below.

In the Office Action, claims 1-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wigton et al. (U.S. Patent No. 6,145,243) in view of Whittenberger (U.S. Patent No. 5,177,961). Applicants respectfully traverse this rejection.

Independent claim 1, as amended, recites a device for attracting and capturing flying insects that includes, *inter alia*, "at least one airflow generator operable to generate (a) an outflow flowing outwardly to the surrounding atmosphere through the at least one outflow opening, the outflow consisting essentially of ambient air from the surrounding atmosphere with the insect attractant diffused therein from the supply and (b) an inflow flowing inwardly from the surrounding atmosphere through the at least one inlet opening and then into the insect trap chamber, thereby enabling the inflow to draw insects attracted to the device by the insect attractant diffused in the outflow into the insect trap chamber." Claim 1 also includes "an attractant receptacle in which the supply of diffusible insect attractant is received, the attractant receptacle being positioned such that the outflow flows through the receptacle for exposure to the insect attractant, the attractant receptacle being constructed to enable the insect attractant to be removed therefrom for replacement." Claim 1 further includes "an electrically-powered heater disposed proximate the attractant receptacle, the heater being operable to heat the supply of the diffusible insect attractant in the attractant receptacle above ambient temperature so as to facilitate diffusion of the insect attractant in the outflow."

As discussed in the interview, Wigton et al. discloses an insect trapping device that generates its own insect attractants of carbon dioxide, heat, and water vapor through catalytic conversion of a hydrocarbon fuel in a combustion chamber. (Wigton et al. at abstract.) An exhaust tube (44) provides the exhaust flow of the insect attractant, such as the carbon dioxide. (Wigton et al. at col. 5, lns. 4-6, and Figure 3.) Thus, the outflow does not consist essentially of ambient air from the surrounding atmosphere with the insect attractant diffused therein, as recited in claim 1. The "consisting essentially of" language precludes the presence of combustion exhaust in Wigton et al. from being within the scope of claim 1. Also, Wigton

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et al. does not disclose or suggest an attractant receptacle that is positioned such that the outflow flows through the receptacle for exposure to the insect attractant, and that is constructed to enable the insect attractant to be removed therefrom for replacement. Moreover, Wigton et al. does not disclose or suggest an electrically-powered heater that is operable to heat the supply of the diffusible insect attractant.

As discussed in the interview, Whittenberger does not cure the deficiencies of Wigton et al. Whittenberger discloses an electrically heatable catalytic converter with a core (16) that may be electrically heated. (Whittenberger at col. 5, lns. 38-61.) Whittenberger further states that "[t]he catalytic converters hereof are referred to as 'electrically heatable.' This is to suggest that electric power is supplied for a small portion of the time the engine is at rest prior to start-up, and if necessary, during operation at any time the temperature falls below a set point." (Whittenberger at col. 8, lns. 23-28.) Applicants respectfully submit that even if Wigton et al. and Whittenberger were properly combined, which Applicants in no way concede, all of the features of claim 1 are not disclosed or suggested by the combination. Providing an electrically heated core to the catalytic burner of the insect trapping device of Wigton would merely impact the efficiency of the burner, and would not heat the supply of the diffusible insect attractant. Moreover, Whittenberger does not disclose or suggest an attractant receptacle that is positioned such that the outflow flows through the receptacle for exposure to the insect attractant, and that is constructed to enable the insect attractant to be removed therefrom for replacement. Accordingly, Applicants respectfully request that the rejection to claim 1, and claims 2-25 that depend therefrom be withdrawn.

Independent claim 26 recites a method for attracting and capturing insects that includes, *inter alia*, "generating, with the at least one airflow generator, an outflow flowing outwardly through at least one outflow opening provided on the device and communicated to a surrounding atmosphere, the outflow consisting essentially of ambient air from the surrounding atmosphere with the insect attractant diffused therein from the supply thereof." Claim 26 also includes "heating the supply of the diffusible insect attractant above ambient temperature with the electrically-powered heater to facilitate diffusion of the insect attractant and flowing the outflow through the attractant receptacle for exposure to the insect attractant." Neither Wigton et al. nor Whittenberger, or the combination of the two, disclose or suggest these features.

Wigton et al. and Whittenberger are discussed above. Nowhere does the combination of Wigton et al. and Whittenberger disclose or suggest generating an outflow consisting

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essentially of ambient air from the surrounding atmosphere with the insect attractant diffused therein, or heating the supply of the diffusible insect attractant above ambient temperature with an electrically-powered heater to facilitate diffusion of the insect attractant, or flowing the outflow through the attractant receptacle for exposure to the insect attractant. Accordingly, Applicants respectfully request that the rejection to claim 26, and claims 27-31 that depend therefrom, be withdrawn.

In the Office Action, claims 1-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wigton et al. in view of Prather (U.S. Patent No. 6,443,434). Applicants respectfully traverse this rejection.

Independent claim 1 and Wigton et al. are discussed above. Prather does not cure the deficiencies of Wigton et al. As discussed in the interview, Prather discloses a dispenser for scents used to attract deer and other animals. (Prather at abstract.) The liquid scent is held in a container (18) with an open top. (Prather at col. 2, lns. 31-34.) A air is pulled into the housing (10) through an inlet (12) and exits through an outlet (14). (Prather at col. 2, ln. 66 – col. 3, ln. 1.) A fan (14) moves a stream of air moves through the dispenser housing (10) and vapor from the heated scent is mixed with the incoming air. (Prather at col. 3, lns. 1-4.) Prather does not disclose or suggest, at least, an attractant receptacle that is positioned such that the outflow flows through the receptacle for exposure to the insect attractant, and that is constructed to enable the insect attractant to be removed therefrom for replacement, as recited by claim 1. Accordingly, Applicants respectfully request that the rejection to claim 1, and claims 2-25 that depend therefrom be withdrawn.

Independent claim 26 and Wigton et al. are discussed above. Prather does not cure the deficiencies of Wigton et al. Prather does not disclose or suggest, at least, flowing the outflow through the attractant receptacle for exposure to the insect attractant. Accordingly, Applicants respectfully request that the rejection to claim 26, and claims 27-31 that depend therefrom, be withdrawn.

As discussed in the interview, new independent claim 32 recites a device for attracting and capturing flying insects that includes, *inter alia*, an attractant receptacle that receives the supply of the diffusible insect attractant and has at least one adjustable opening that is selectively adjustable so as to control exposure of the insect attractant, thereby controlling a rate of diffusion of the insect attractant. This feature is also recited by claim 11. Applicants respectfully submit that none of the art of record discloses or suggests this feature.

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Accordingly, Applicants respectfully submit that claim 32, and claims 33-42 that depend therefrom are also patentable.

All rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited. If any point remains at issue which the Examiner feels may best be resolved through a personal or telephone interview, please contact the undersigned at the telephone number below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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Date: January 27, 2005
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